

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL NO: 5:15-cv-34-FL

CHRISTOPHER JENKINS,  
On behalf of himself and all others  
similarly situated,

Plaintiff,

vs.

THE MOSES H. CONE MEMORIAL  
HEALTH SERVICES CORPORATION;  
THE MOSES H. CONE MEMORIAL  
HOSPITAL, INCORPORATED; THE  
MOSES H. CONE MEMORIAL  
HOSPITAL; THE MOSES H. CONE  
MEMORIAL HOSPITAL OPERATING  
CORPORATION; AVECTUS  
HEALTHCARE SOLUTIONS, LLC

Defendants.

**ORDER ON  
DEFENDANTS' MOTION FOR LEAVE  
TO FILE UNDER SEAL EXHIBITS B  
AND C TO DEFENDANTS' BRIEF IN  
SUPPORT OF MOTION TO DISMISS**

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This the 22nd day of April, 2015, Cone Defendants' Motion for Leave to File Under Seal Exhibits B and C to Defendants' Brief in Support of Motion to Dismiss, which was filed with the consent of all other parties, is GRANTED and the following materials SHALL BE FILED UNDER SEAL: (1) the Network Participation Agreement, attached as Exhibit B to Defendants' Brief in Support of Motion to Dismiss, and (2) the general consent, attached as Exhibit C to Defendants' Brief in Support of Motion to Dismiss.

The Court further finds that:

1. All parties consent to the Defendants' Motion;
2. The materials proposed to be sealed include a confidential commercial contract between certain Defendants and a non-party to this litigation and a document containing

protected health information under the Health Insurance Portability and Accountability Act ("HIPAA") as codified in 45 CFR § 164.501 *et seq.*;

3. The nature and quality of such material justifies sealing the Network Participation Agreement, despite the competing interests of the public, because the publication of the confidential commercial information would be harmful to the business interests and competitive standing of a party and a non-party, and no alternative to sealing is adequate;

4. The nature and quality of such material justifies sealing the general consent, despite the competing interests of the public, because the information is protected from disclosure by federal and state law, and no alternative to sealing is adequate; and

5. The parties' interests in maintaining the confidentiality of these documents and information override any constitutional or common law right of public access which may attach to the documents and/or information at issue.

THEREFORE, it is ORDERED that Exhibits B and C to Defendants' Brief in Support of Motion to Dismiss may be filed under seal and shall remain sealed until otherwise ordered by this Court.

SO ORDERED, this the 22nd day of April, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN  
United States District Court Judge